

**LEGISLATIVE COUNCIL**

**Victims Rights and Support Bill 2013**

**First print**

**Proposed amendments**

---

- No. 1 Page 23, clause 35 (3). Insert after line 17:
- (e) domestic violence (being any act referred to in paragraph (f) of the definition of *sexual assault and domestic violence* in section 19) that is one of a series of related acts of domestic violence.
- No. 2 Page 25, clause 39 (2), line 1. Insert “or provider of support services,” after “Government agency”.
- No. 3 Page 25, clause 40 (5), lines 38 and 40. Omit “10 years” wherever occurring. Insert instead “20 years”.
- No. 4 Page 26, clause 40. Insert after line 8:
- (7) The Commissioner may, on the application of a person, extend the time for the making of an application by the person for financial support or a recognition payment if the Commissioner considers it would be appropriate and desirable to do so, having regard to the following:
    - (a) the person’s age when the act of violence was committed,
    - (b) whether the person has an impaired capacity,
    - (c) whether the person who allegedly committed the act of violence was in a position of power, influence or trust in relation to the person,
    - (d) the physical or psychological effect of the act of violence on the person,
    - (e) whether the delay in making the application undermines the possibility of a fair decision,
    - (f) any other matter the Commissioner considers relevant.
- No. 5 Page 26, clause 40. Insert after line 8:
- (7) This section does not apply to an application for financial support or a recognition payment for a person who is a primary victim of an act of violence that occurs in the course of the commission of a sexual offence against the person when the person is under 18 years of age. There is no time limit on when such an application can be made.

- 
- No. 6 Page 66, Schedule 2, clause 2 (1), lines 25 and 26. Omit all words on those lines.
- No. 7 Pages 67 and 68, Schedule 2, clauses 4–8, line 19 on page 67 to line 38 on page 68. Omit all words on those lines. Insert instead:

**4 Act applies prospectively only**

- (1) This Act does not apply to or in respect of an act of violence that occurs before the date of assent to this Act.
- (2) The repealed Act continues to apply (as if it had not been repealed) to and in respect of an act of violence that occurs before the date of assent to this Act.
- (3) For the purposes of the application of the repealed Act (as provided by subclause (2)) after the date of assent to this Act, the Administrative Decisions Tribunal has and is to exercise the functions and jurisdiction of the Victims Compensation Tribunal under the repealed Act.

- No. 8 Page 69, Schedule 2, clause 11, lines 17–21. Omit all words on those lines.
- No. 9 Pages 71 and 72, Schedule 2, clauses 15–18, line 1 on page 71 to line 10 on page 72. Omit all words on those lines.

---

**Drafting note 1.1** *Amendments Nos 10–12 should not be moved if Amendments Nos 6–9 are successful.*

---

- No. 10 Page 66, Schedule 2, clause 2 (1), lines 25 and 26. Omit all words on those lines.
- No. 11 Pages 67 and 68, Schedule 2, clauses 4–8, line 19 on page 67 to line 38 on page 68. Omit all words on those lines. Insert instead:

**4 Application of Act**

- (1) This Act extends to an act of violence that occurred before the date of assent to this Act but does not apply to or in respect of an application for statutory compensation made before the date of assent to this Act (a *pending application*).
- (2) The repealed Act continues to apply (as if it had not been repealed) to and in respect of a pending application.
- (3) For the purposes of the application of the repealed Act (as provided by subclause (2)) to and in respect of a pending application, the Administrative Decisions Tribunal has and is to exercise the functions and jurisdiction of the Victims Compensation Tribunal under the repealed Act.
- (4) Victims support is not payable under this Act to a primary victim, secondary victim or family victim of an act of violence if the victim has been or is awarded compensation or assistance under the repealed Act.

- No. 12 Page 69, Schedule 2, clause 11, lines 17–21. Omit all words on those lines.